

Message

From: Petter, Lauren [Petter.Lauren@epa.gov]
Sent: 8/22/2018 6:24:29 PM
To: Wetherington, Michele [Wetherington.Michele@epa.gov]
CC: Cooper, Jamal [cooper.jamal@epa.gov]; Gordon, Lisa Perras [Gordon.Lisa-Perras@epa.gov]
Subject: FW: designated use revisions
Attachments: 20_NY2016_WQS_Approval_Letter.pdf; 2018-06-13-Letter to Javier Laureano.pdf

Hey Michele and Jamal,

I asked the other lead WQS coordinators for anything regarding narrative/use changes. The NY example seemed the closest since a lot of discussion was on intent of language, although I think there was more to work from numeric criteria wise. FYI, there was a 2018 disapproval for the "no action" parts from 2016, which resulted in the attached 2018 letter from NY. If it does sound like something you would like more info on we could arrange a call with R2.

Lauren

Lauren Petter, Environmental Scientist
Water Quality Standards Section
Water Protection Division
Phone: (404) 562-9272

From: Gaylord, Brent
Sent: Wednesday, August 22, 2018 12:47 PM
To: Petter, Lauren <Petter.Lauren@epa.gov>
Subject: RE: designated use revisions

Here you go!

Brent Gaylord
U.S. EPA Region 2
Water Quality Standards Coordinator
Clean Water Regulatory Branch
290 Broadway, 24th Fl.
New York, NY 10007-1866
(212)637-3868

CONTRACTORS: Nothing in this message shall be construed as a change to the price, delivery or terms and conditions of the contract.

From: Petter, Lauren
Sent: Wednesday, August 22, 2018 11:14 AM
To: Gaylord, Brent <Gaylord.Brent@epa.gov>
Subject: RE: designated use revisions

Yes, the NY example! I'll go back and look over my notes from the regions call. Would you mind sending the approval letter R2 sent and the NY follow up letter in the meantime?

GA just submitted their addition of the term “unreasonably” before the phrase “interfere with....legitimate water uses” for our review. They also revised legitimate uses to now refer to “the designated use of the water body.” The state says it is just a clarification and non-substantive change.

Lauren Petter, Environmental Scientist
Water Quality Standards Section
Water Protection Division
Phone: (404) 562-9272

From: Gaylord, Brent
Sent: Wednesday, August 22, 2018 10:53 AM
To: Petter, Lauren <Petter.Lauren@epa.gov>
Subject: RE: designated use revisions

Hi Lauren,

We have a situation that is similar but yet a little bit different than what you described in your email below. NY added, “water quality shall be suitable for primary contact recreation” to a couple water classes within the Designated use section of their stds for these classes. EPA approved this as a use change to now support primary contact recreation. However a year later and while under litigation, NY sent EPA a letter stating that they did not actually change the use of these waters to primary contact recreation and that they are still secondary (Since in addition to the suitability language they have the best use of these waters as secondary contact recreation). However, they did not mention what the suitability language then means if the waters are not actually set to be suitable for primary contact recreation. This is still on-going, and we are still working to resolve this with NY.

This is tough to describe all the ins-and outs over an email so if you want to discuss more, lets chat over the phone.

Brent

Brent Gaylord
U.S. EPA Region 2
Water Quality Standards Coordinator
Clean Water Regulatory Branch
290 Broadway, 24th Fl.
New York, NY 10007-1866
(212)637-3868

CONTRACTORS: Nothing in this message shall be construed as a change to the price, delivery or terms and conditions of the contract.

From: Petter, Lauren
Sent: Tuesday, August 21, 2018 2:33 PM
To: Voorhees, Jeanne <voorhees.jeanne@epa.gov>; Gaylord, Brent <Gaylord.Brent@epa.gov>; Atkinson, Cheryl <Atkinson.Cheryl@epa.gov>; Pfeifer, David <pfeifer.david@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>; Lavaty, Ann <Lavaty.Ann@epa.gov>; Fish, Tonya <Fish.Tonya@epa.gov>; Pierce, Maggie <Pierce.Maggie@epa.gov>; Maurano, Stephen <Maurano.Stephen@epa.gov>; Macchio, Lisa <Macchio.Lisa@epa.gov>
Subject: designated use revisions

Have any of you had an instance where the description of a designated use (or the narrative that goes with it) was changed in a way that lessened the expectation for the use? If so, how did it play out?

Thanks in advance!
Lauren

Lauren Petter, Environmental Scientist
Water Quality Standards Section
Water Protection Division
Phone: (404) 562-9272